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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,914	10/15/2003	Daniel A. Copeland	P53569US01NJ	6294
23378	7590	03/07/2005	EXAMINER	
BRADLEY ARANT ROSE & WHITE, LLP INTELLECTUAL PROPERTY DEPARTMENT-NWJ 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104			BOCHNA, DAVID	
		ART UNIT	PAPER NUMBER	
		3679		

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/685,914	COPELAND, DANIEL A.	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Walworth et al. '751.

In regard to claim 1, Walworth et al. discloses a restraining gasket (the phrase “for use in a stuffing box assembly when connecting a male pipe portion to a female pipe portion that is tightenably connected to a gland” is considered intended use and is given little patentable weight as long as the applied prior art contains all of the structural limitations of the claimed invention and is capable of performing the intended use of the claimed invention. Here the gasket disclosed by Walworth contains all of the structural limitations of the claimed invention as is capable of having the back end 40 tightenably compressed to a gland, so Walworth is considered to anticipate the claim), said restraining gasket comprising:

- a) a deformable body 37 having a spigot-facing surface, a radially outward surface 36, a gland-facing surface 40, and a gutter (between 34 and 36) positioned at or radially inward of the radially outward surface 36
- b) a locking member 47, said member having a tooth portion 48 and an embedded body portion, wherein at least a portion of the tooth portion is positioned to engage the male pipe portion.

In regard to claim 2, the gutter is positioned between the leading portion 37 of the gasket and a radially outermost area 46 of the locking member.

In regard to claim 3, wherein the gutter forms a portion of the exterior contour of the radially outer surface.

In regard to claim 4, wherein the radially outer surface 34 and a distortion control surface 32, said distortion control surface leading into the gutter and disposed at an angle of between 5 and 20 degrees with reference to a central axis of the gasket.

In regard to claim 5, wherein the gutter is a void below the radially outer surface 36.

In regard to claim 6, further comprising a plurality of density regions 42, 12 wherein said regions are adapted to influence the movement of said locking members.

3. Claims 1-3, 5-6 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Percebois et al.

In regard to claim 1, Percebois et al. discloses a restraining gasket 19 (see fig. 3) for use in a stuffing box assembly when connecting a male pipe portion to a female pipe portion that is tightenable connected to a gland 11, said restraining gasket comprising:

- a) a deformable body 19 having a spigot-facing surface, a radially outward surface (top of 19c), a gland-facing surface 21, and a gutter (gap just above where 20 is pointing) positioned at or radially inward of the radially outward surface (top of 19c)
- b) a locking member 15, said member having a tooth portion and an embedded body portion, wherein at least a portion of the tooth portion is positioned to engage the male pipe portion 1.

In regard to claim 2, the gutter (gap above 20) is positioned between the leading portion 20 of the gasket and a radially outermost area of the locking member 15.

In regard to claim 3, wherein the gutter forms a portion of the exterior contour of the radially outer surface.

In regard to claim 5, wherein the gutter is a void below the radially outer surface (top of 19c).

In regard to claim 6, further comprising a plurality of density regions wherein said regions are adapted to influence the movement of said locking members (15 is denser than 19).

In regard to claim 7, Percebois et al. discloses a method of assembling a restrained mechanical joint, comprising the steps of:

a) urging a portion of a gasket 19 (see fig. 3) into a sealing relationship between a bell 3 and a spigot 1,

b) and subsequent to step (a), compressing the gasket to at least partially collapse a gutter (gap just above where 20 is pointing) in the gasket;

c) subsequent to beginning step (b), rotating a locking segment 15 into resistive contact between the bell and the spigot (15 rotates downward or radially inward, caused by the outer radial surface of 15 interacting with the ramped surface 25 during tightening).

In regard to claim 8, wherein the gutter is a void below the radially outer surface 19c of the gasket.

In regard to claim 9, wherein the gutter is an annular depression (gap above where 20 is pointing) in the radially outer surface of the gasket 19.

4. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber et al.

In regard to claim 10, Weber et al. discloses a restraining gasket 6. The phrase "for use in a stuffing box assembly, adapted to change its center of pressure as it deforms in response to tightening of a gland to a bell" is considered intended use and is given little patentable weight as long as the applied prior art contains all of the structural limitations of the claimed invention and is capable of performing the intended use of the claimed invention. Here the gasket disclosed by Weber et al. contains all of the structural limitations of the claimed invention as is capable of having its center of pressure changed as it deforms in response to tightening of a gland to a bell by the void 48, so Weber et al. is considered to anticipate the claim.

In regard to claim 11, wherein the change in center of pressure is influenced by a collapsible void or gutter 48.

In regard to claim 12, comprising a locking segment 36 being at least one tooth disposed radially inwardly.

In regard to claim 13, wherein said locking segment comprises a plurality of teeth 36, 38, 40 disposed radially inwardly and an area between at least two of said tooth is devoid of gasket material.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 and 10-13, filed 12/13/04, have been fully considered but they are not persuasive. Applicant argues that Walworth et al. and Weber et al. fail to anticipate the present invention because the applied prior art does not disclose a compression gland. However, Applicant only positively recites the restraining gasket in claims 1 and 10 with the intended use of the gaskets being compressed by the glands. Because a gland is not being positively recited in the claims 1 and 10, the applied prior art does not have to disclose

the gland. Please see the prior art rejections above for further explanation regarding intended use of the gland.

6. Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3679

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



**David Bochna
Primary Examiner
Art Unit 3679
March 1, 2005**